

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-14-05)
SEVENTH-DAY ADVENTISTS
JUNE 17, 2014

This is a report to the Flathead County Board of Adjustment regarding a request from Seventh-Day Adventists for a conditional use permit to establish a 'church and other place of worship' and 'radio tower' on the subject property. The property is located within the Westside Zoning District and is zoned 'AG-80 Agricultural' and "WVO West Valley Overlay.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on July 1, 2014 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

This space is reserved for an update regarding the June 24, 2014 West Valley Land Use Advisory Committee review of the proposal.

B. Board of Adjustment

This space is reserved for an update regarding the July 1, 2014 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Landowner

Cindy Marvin
290 West Valley Drive
Kalispell, MT 59901

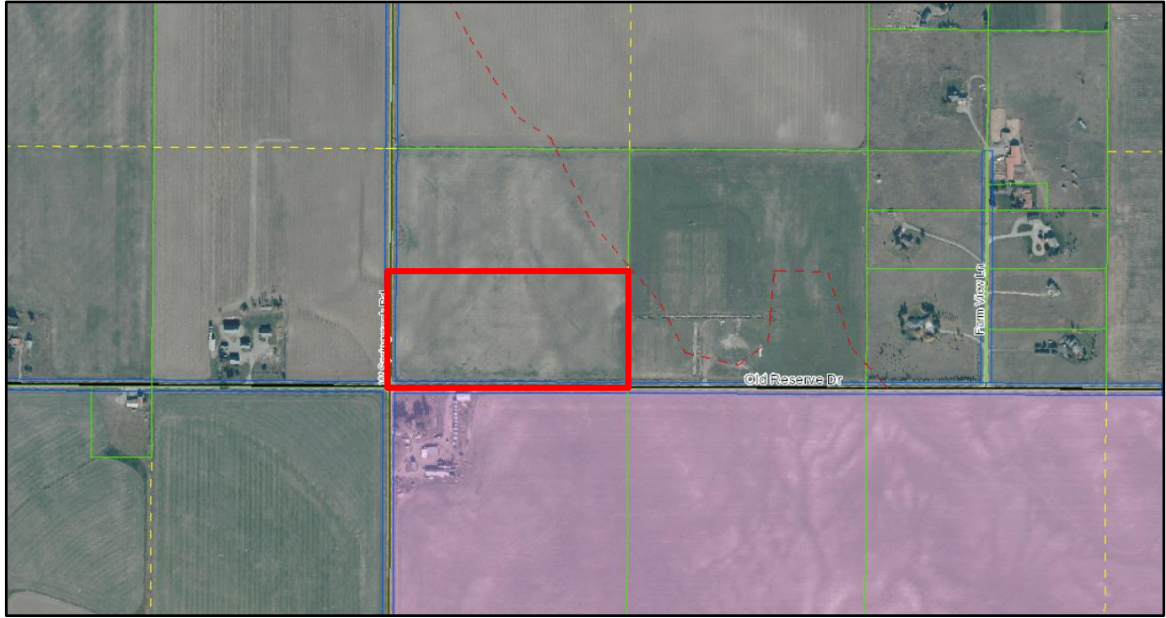
ii. Applicant

Sands Surveying, Inc.
c/o Erica Wirtala
2 Village Loop
Kalispell, MT 59901

B. Property Location and Size

The subject property is located at the northeast corner of Old Reserve Drive and West Springcreek Road north of Kalispell, MT (see Figure 1 below). The property is approximately 19.5 acres in size and can be legally described as Lot 6CA in Section 26, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in red)



C. Existing Land Use(s) and Zoning

The property is located within the Westside Zoning District and is zoned ‘AG-80 Agricultural’ and “WVO West Valley Overlay.’ AG-80 is defined as, “*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*” per Section 3.04.010 FCZR.

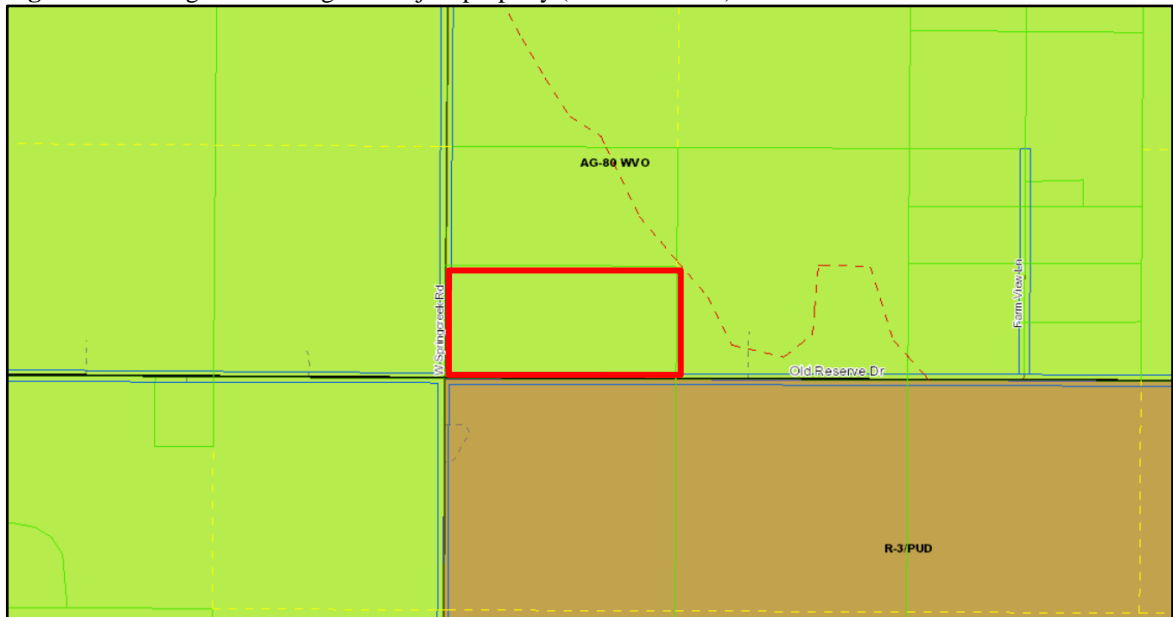
The West Valley Overlay is defined as, “*A district to extend the provisions relating to the Land Use Advisory Committee and Residential Clustering of the WV West Valley Zoning District to other properties outside that district but within the jurisdiction of the West Valley Neighborhood Plan, County Resolution #1226-A.*”

The property is currently undeveloped and in agricultural production. The property is open and flat with fencing along the boundary line.

D. Adjacent Land Use(s) and Zoning

The properties that surround the subject property to the north, east and west are similarly zoned AG-80 WVO, to the south of the property is R-3/PUD zoning within the city limits of Kalispell. The general character of the surrounding area is a mix of residential and agricultural. On the property directly to the south is a dwelling and agricultural field. To the north and east of the subject property are agricultural fields. And on the property directly to the west is a dwelling and agricultural field.

Figure 2: Zoning surrounding the subject property (outlined in red)



E. Summary of Request

The applicant is requesting a conditional use permit to construct a ‘church and other place of worship’ and a radio tower on the subject property. This request is being reviewed for a conditional use permit for a ‘church and other place of worship’ and a 100 foot radio tower pursuant to Sections 3.04.030(8) and 3.03.020(6) Flathead County Zoning Regulations (FCZR).

Church is defined as (per Section 7.04.050), “*A building together with its accessory buildings and uses where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.*”

Section 3.03.020(6) FCZR identifies structures that are not subject to the height restrictions of the regulations. Radio tower are included in this list of structures, but requires the issuance of a conditional use permit prior to placement and use. The review of both the church and radio tower is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a conditional use permit.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on June 13, 2014, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the June 15, 2014 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on May 20, 2014:

- Montana Department of Transportation
 - Reason: The proposal has the potential to impact MDT facilities.
- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department’s jurisdiction and has the potential to impact county facilities.
- West Valley Fire Department

- Reason: The property is located within the department's jurisdiction and has the potential to impact West Valley Fire Department response times.
- Flathead City-County Environmental Health Department
 - Reason: The property is located within the department's jurisdiction.
- Flathead County Road and Bridge Department
 - Reason: The property is located within the department's jurisdiction and new construction could impact County facilities.
- Flathead County Weeds and Parks Department
 - Reason: The property is located within the department's jurisdiction and new construction could lead to the development of weeds on the subject property.
- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for July 1, 2014. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: "In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time." Email dated May 22, 2014.
- Flathead County Road and Bridge Department
 - Comment: "The only concern we would have is the generation of dust coming from West Springcreek Road. It would be beneficial if the applicant would use a dust palliative on West Springcreek Road from their new approach to Old Reserve Drive." Letter dated May 28, 2014
- Flathead County Solid Waste
 - Comment: "The district views no negative impact with solid waste issues at this time. The District requests that all solid waste generated at the proposed location be hauled by a private hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area." Letter dated June 5, 2014
- Flathead County Weed, Parks & Recreation Department
 - Comment: "It is the landowners' responsibility to control noxious weeds on their land – MCA Section 7-22-2116. A noxious weed is legally defined as 'any exotic plant species that may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses, or that may harm native plant communities.' Most noxious weeds thrive when soil is disturbed. Some can grow from root parts, as well as seeds that become exposed. [...]. Vehicles entering and exiting the site during construction should be monitored for any weeds 'hitchhiking' on tires or attached to a vehicle." Letter dated June 16,

2014.

- Montana Department of Transportation
 - Comment: “Any new access or change in use of an existing access typically requires an approach permit to be approved by the MDT. As indicated in the proposal the owner will need to obtain a new approach permit from the MDT Kalispell Office for access onto Secondary 548. The proposal indicates there will also be an access to West Springcreek Road which the MDT supports and recommends. One other comment is that Secondary 548 was selected by the County as the next secondary roadway in the county to be improved, thus additional right-of-way will be required along this road so development should take this into account.” Email dated May 30, 2014.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

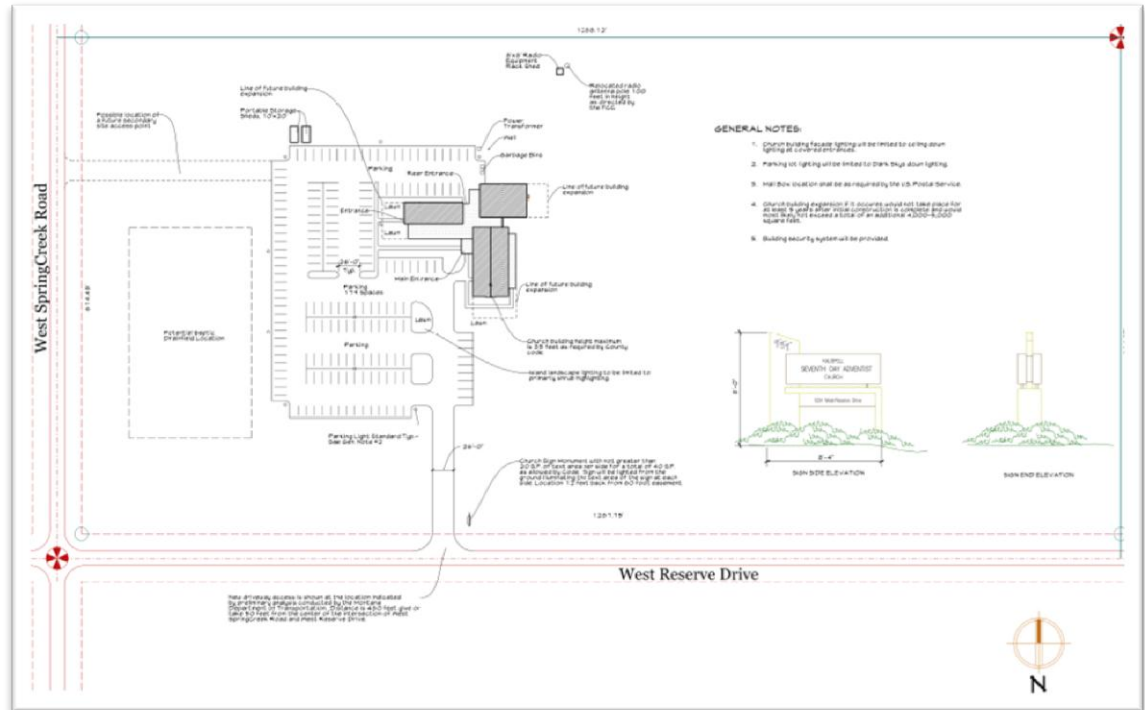
i. Adequate Usable Space

The subject property is currently vacant and the applicant is proposing to construct a church and two accessory structures. The applicant is also proposing to construct a 100 foot radio tower with an equipment shed. The lot is approximately 19.495 acres or 849,202 square feet in size. The permitted lot coverage in the AG-80 zone is 20% or 169,840 square feet of the subject property. Based on the floor plan, the proposed church is approximately 11,112 square foot. The two accessory buildings shall cover 400 square feet and the equipment shed for the tower will cover 64 square feet. Staff calculated the area of all the proposed structures based on the site plan, to be 11,576 square feet. The structures will cover approximately 1.3% of the lot.

The minimum yard requirements within the AG-80 zone are 20 feet for the front, side corner, side and rear for principal structures. The property is located along a state secondary so the structures are required to be setback an additional 20 feet from the road (40 feet total). The setbacks for accessory structures are 20 feet from the front and side corner and 5 feet from the rear and side property line. The proposed buildings appear to meet applicable setback requirements.

Based upon staff’s site visit and the submitted site plan, it appears the subject property has adequate useable space to accommodate the proposed buildings and the radio tower on the subject property.

Figure 3: Site plan



Finding #1 – The site appears to have adequate usable space because the proposed structures meet applicable setbacks and permitted lot coverage as only 1.3 % of the property will be covered by structures.

ii. Adequate Access

The subject property is accessed via Old Reserve Drive and West Springcreek Road. Old Reserve Drive is a paved, two-lane MDT maintained road within an approximate 60 foot easement. West Springcreek Road is a gravel two lane county road within a 40 foot easement. Comments from MDT regarding this proposal states, “Any new access or change in use of an existing access typically requires an approach permit to be approved by the MDT. As indicated in the proposal the owner will need to obtain a new approach permit from the MDT Kalispell Office for access onto Secondary 548. The proposal indicates there will also be an access to West Springcreek Road which the MDT supports and recommends. One other comment is that Secondary 548 was selected by the County as the next secondary roadway in the county to be improved, thus additional right-of-way will be required along this road so development should take this into account.”

Comments from the Flathead County Road and Bridge Department states, “The only concern we would have is the generation of dust coming from West Springcreek Road. It would be beneficial if the applicant would use a dust palliative on West Springcreek Road from their new approach to Old Reserve Drive.”

The applicant is proposing the primary and future secondary approach to be approximately 26 feet wide. Both the proposed primary approach and future secondary approach would provide ingress and egress to the church and radio tower. The applicant is proposing to place the primary access approximately 480 feet east of the Old Reserve Drive and West Springcreek Road intersection. According to the applicant, “In regards to West Spring Creek Road, it is noted that in some distant future,

there might be a secondary access out to the county road. So, it could be construed as a future, secondary access, but most likely never come to fruition.”

MDT may require use of the secondary access and dust control measures would be required. All access shall be approved by the County Road and Bridge Department and/or the Montana Department of Transportation, as applicable, with the issuance of an approach permit, per Section 6.16.020(4) [FCZR].

Finding #2 – There appears to be adequate access for the proposed use because the property is accessed via a paved state secondary highway which will require an approach permit, and a secondary access could be utilized off West Springcreek Road which would also require an approach permit and dust palliative which will be conditioned to mitigate impacts, per comments from the Flathead County Road and Bridge Department.

iii. Absence of Environmental Constraints

The subject property is relatively flat with no significant elevation changes and is located on FEMA FIRM panel 30029C1805G. The lot is designated as un-shaded Zone X. The un-shaded Zone X is classified as an area outside the 500-year floodplain. There are no wetlands, streams, or creeks located on the parcel, and there appears to be no other environmental constraints.

Finding #3 – The site appears absent of environmental constraints for the proposed use because the property is relatively flat, located in an area outside the 500 year floodplain and does not contain any wetlands, streams or creeks.

B. Appropriateness of Design

i. Parking Scheme

The parking requirements for a church is 1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater, per Section 6.04.020 FCZR. The proposed assembly area is shown as 7,155 square feet on the floor plan. The revised site plan shows 179 parking spaces and 179 spaces would be required and the radio tower would not require parking spaces.

ii. Traffic Circulation

As previously stated, the subject property is accessed via Old Reserve Drive and West Springcreek Road. Old Reserve Drive is a paved, two lane MDT maintained road within an approximate 60 foot easement. West Springcreek Road is a gravel two lane county road within a 40 foot easement. The applicant is proposing the primary and future secondary approach to be approximately 26 feet wide. Both the proposed primary approach and future secondary approach would provide ingress and egress to the church and radio tower. The applicant is proposing to place the primary access approximately 480 feet east of the Old Reserve Drive and West Springcreek Road intersection. The driving aisles are shown on the revised site plan to be a minimum of 26 feet wide. The proposed traffic circulation would comply with the applicable standards for Chapter 6.

Finding #4 – The parking and traffic circulation appears to be adequate for the proposed use because the approaches appear to meet standards set forth in Appendix A [FCZR], the tower would not interfere with traffic circulation, and the site plan show adequate parking for the proposed church.

iii. Open Space

The subject property is currently vacant and the applicant is proposing to construct a church with two accessory structures and to construct a 100 foot radio tower with equipment shed. The lot is approximately 19.495 acres or 849,202 square feet in size. The permitted lot coverage in the AG-80 zone is 20% or 169,840 square feet of the subject property. Based on the floor plan the proposed principal structure is approximately 11,112 square foot. The two accessory buildings shall cover 400 square feet and the equipment shed for the tower will cover 64 square feet. Staff calculated the area of all the proposed structures based on the site plan, to be 11,576 square feet. The structures will cover approximately 1.3% of the lot. The buildings, parking lot and tower shown on the site plan would allow for adequate open space on the subject property.

Finding #5 – The open space appears to be adequate for the proposed use because the 1.3% of the tract will be covered by proposed structures which meet the permitted lot coverage.

iv. Fencing/Screening

There is currently a wire fence located along the south and west property lines. The applicant is not proposing to install any fencing for the proposed uses. No fencing is required for the church or the radio tower based on the applicable zoning regulations.

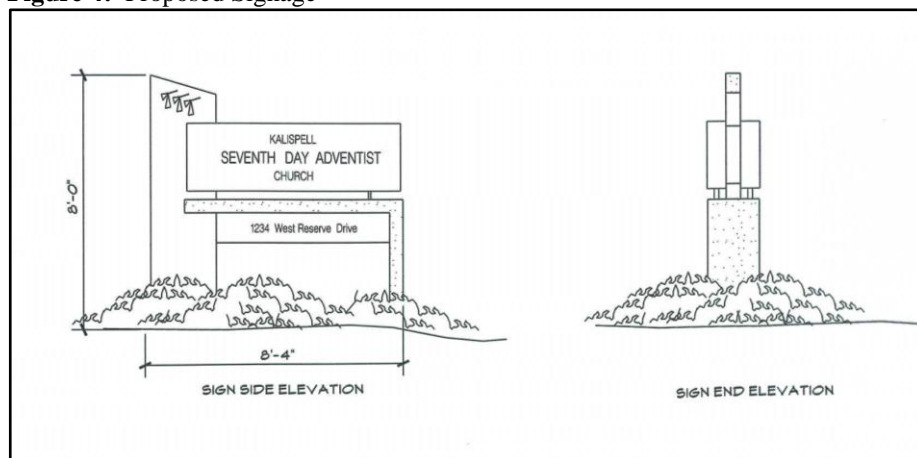
v. Landscaping

The property is devoid of trees and currently used for agricultural purposes. The applicant is proposing shrubs on landscape island within the parking lot and landscaping around the proposed building. No landscaping is required for the church or the radio tower based on the applicable zoning regulations.

vi. Signage

The applicant is proposing one free standing sign which will have a face of 20 square feet. Per Section 5.11.040(1)(B) FCZR One freestanding sign plus one wall sign for each place of business; the sign area shall not exceed 40 square feet and will be placed outside the road easement. The proposed signage appears to comply with the zoning regulations.

Figure 4: Proposed Signage



vii. Lighting

The applicant is proposing outdoor lighting in the parking lot and on the proposed

building. According to the application, “There will be some security lighting around the doorways and building perimeter, some downward (Dark Skies compliant) parking lot lighting and some small-scale lighting at the entry sign are all that are being proposed. The parking lot lighting will most likely be set on a timer to a specific day and time for efficiency. Security lighting may be motion sensor lighting in some places.” All exterior lighting appears to comply with the lighting performance standards set forth in [FCZR] Section 5.12. Additionally, any proposed lighting for the radio tower shall adhere to all applicable Federal Aviation Administration requirements.

Finding #6 - The proposed uses appear to be adequately designed because the applicant is not proposing any fencing/screening or landscaping beyond what is currently present, there is no lighting or signage requirements for a radio tower and any lighting on the tower shall be conditioned to adhere to all applicable Federal Aviation Administration requirements and the proposed lighting and signage appears to meet the applicable zoning regulations.

C. Availability of Public Services and Facilities

i. Sewer

The application states, “Due to the number of people utilizing the facility, (based on square footage calculations) a public, engineered septic system will be designed and constructed.” The site plan shows the location of the proposed drain field to be on the west side of the property between the proposed parking lot and West Springcreek Road. Sewer services are not necessary for the ‘radio tower’ and no impact on sewer services is anticipated as a result. The septic system must be approved by the Montana Department of Environmental Quality and the Flathead City-County Environmental Health.

ii. Water

According to the application a private well will be utilized for the church and irrigation of the property. The proposed well location is shown on the site plan as next to the proposed parking lot north of the proposed church. The applicant may be required to apply for a permit to develop a well or a ground water spring with an anticipated use of 35 gallons a minute or more or exceeds 10 acre-feet a year, per MCA 85-2-306. Water services are not necessary for the un-manned operation of the ‘radio tower’ and no impact on water services is anticipated as a result. The water system must be approved by the Montana Department of Environmental Quality and the Flathead City-County Environmental Health.

iii. Storm Water Drainage

The applicant has stated that storm water drainage will be contained on-site. The proposed buildings will cover approximately 11,576 square feet; the paved parking lot will cover 78,975 square feet and thus increased storm water runoff is anticipated. The applicant states, “Due to this advanced scrutiny of plans and calculations, storm water drainage will also be taken into consideration. Although it is doubtful that an ‘engineered storm drainage system’ will be required as the property does not contain an over-abundance of impervious surfaces, has gentle sloping topography, and the soils on the property are generally loamy with good absorption rates, it is possible that in some places storm water will be diverted in some places to other more appropriate locations on the property.” Approximately 10.7% of the lot will be impervious surface leaving approximately 89.3% of open space. The proposed use would increase the impervious cover on the lot and has the potential to impact the existing storm drainage on the

property but the majority of the site will remain open space allowing for on-site absorption.

Finding #7 – There appears to be adequate availability of sewer, water and storm drainage for the proposed use because sewer and water are not necessary for an unmanned tower, the church will need to be reviewed by Flathead City-County Environmental Health Department and the Department of Environmental Quality, the applicant may be required to obtain a permit for a well and the proposed buildings would increase the impervious surface of the lot but it storm water run-off could be managed on-site.

iv. Fire Protection

The subject property is served by the West Valley Fire Department, and is located approximately a 2.25 miles east of a West Valley Fire Department fire station. The application states, “As the property is void of vegetation, there is minimal threat of wildfire. The building will be required to have internal sprinklers and a fire alarm.” The property is an open field devoid of trees. The proposed use would likely have low demand for fire protection services because of the sporadic use of the church. Due to the close proximity to the fire station, it is anticipated response times in the event of an emergency would be reasonable.

v. Police Protection

The property would be served by the Flathead County Sheriff’s Department. The proposed use would likely have low demand for police protection services because of the sporadic use of the church. It is anticipated response times in emergency would not be unreasonably long given the property’s proximity to an urban, developed area of the County.

Finding #8 – The proposed use appears to have acceptable impacts on public services and facilities and would likely have low demand for police protection services because of the sporadic use of the church, and because the West Valley Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time.

vi. Streets

As previously stated, the subject property is accessed via Old Reserve Drive and West Springcreek Road. Old Reserve Drive is a paved, two lane MDT maintained road within a 60 foot easement. West Springcreek Road is a gravel two lane county road within a 40 foot easement. Comments from MDT indicate an approach permit will be required for the proposed use and supports use of West Springcreek Road as a secondary access. MDT also states, “One other comment is that Secondary 548 was selected by the County as the next secondary roadway in the county to be improved, thus additional right-of-way will be required along this road so development should take this into account.”

Comments from the Flathead County Road and Bridge Department states, “The only concern we would have is the generation of dust coming from West Springcreek Road. It would be beneficial if the applicant would use a dust palliative on West Springcreek Road from their new approach to Old Reserve Drive.”

Finding #9 – There appears to be adequate availability of streets for the proposed use because the property is located on paved state secondary highway and local county road

and the local secondary access could be utilized which would require the use of a dust palliative which will be conditioned to mitigate impacts, per comments from the Flathead County Road and Bridge Department.

D. Immediate Neighborhood Impact

i. Excessive Traffic Generation

As previously stated, the subject property is accessed via Old Reserve Drive and West Springcreek Road. Old Reserve Drive is a paved, two lane MDT maintained road within a 60 foot easement. West Springcreek Road is a gravel two lane county road within a 40 foot easement. Comments from MDT indicate an approach permit will be required for the proposed use and supports use of West Springcreek Road as a secondary access. MDT also states, “One other comment is that Secondary 548 was selected by the County as the next secondary roadway in the county to be improved, thus additional right-of-way will be required along this road so development should take this into account.”

According to the application the estimated vehicle trips per service is based on 9.11 per 1,000 gross feet of floor area. Based on the floor plan the proposed principal structure is approximately 11,112 square foot. The church would generate an average of 101 vehicle trips per service. The traffic generated by the church would be at off peak hours on weekends and evenings. The radio tower is likely to generate minimal traffic. Old Reserve Drive is a state secondary road and traffic generated by the proposed use would likely have a minimal impact on the neighborhood.

Finding #10 – The proposed use appears to have acceptable impacts on the immediate neighborhood because the traffic generated by the proposed uses would be off peak hours on weekends and evenings, the primary access is paved and the use of a secondary access will require dust mitigation.

ii. Noise or Vibration

It is anticipated that the proposed use would generate no noise or vibrations, out of character with the neighborhood and therefore would have a minimal impact on the neighborhood.

iii. Dust, Glare or Heat

The proposed use is not anticipated to generate glare or heat that would adversely impact the neighborhood. Comments from the Flathead County Road and Bridge Department stated, “The only concern we would have is the generation of dust coming from West Springcreek Road. It would be beneficial if the applicant would use a dust palliative on West Springcreek Road from their new approach to Old Reserve Drive.”

According to the applicant, “In regards to West Spring Creek Road, it is noted that in some distant future, there might be a secondary access out to the county road. So, it could be construed as a future, secondary access, but most likely never come to fruition.” The applicant has no immediate plans to utilize West Springcreek Road as a secondary access, the use of a secondary access would be conditioned to use a dust palliative the parking lot and Old Reserve Drive are paved so the proposed use is not anticipated to generate any dust except during construction.

iv. Smoke, Fumes, Gas, or Odors

It is anticipated that the proposed use would generate no smoke, fumes, gas, or odors, as it would be a church and radio tower and therefore would have a minimal impact on the neighborhood.

v. Inappropriate Hours of Operation

The proposed hours of operation for the ‘church and other place of worship’ is from 8:00 am to 8:00 pm on Saturdays, intermittent Sunday daytime hours and early evening hours on Wednesday. The radio tower would not have hours of operation. The application state, “One or two employees may do office work during business hours throughout the work week. There are no anticipated late night or early morning activates.” The proposed hours of operation appear acceptable as there will be no activity late night or early in the morning and no major residential land uses in the vicinity.

Finding #11 – The proposed use is not anticipated to impact the surrounding neighborhood because the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the rural setting the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood and dust control measure will be required if the secondary access is utilized.

V. SUMMARY OF FINDINGS

1. The site appears to have adequate usable space because the proposed structures meet applicable setbacks and permitted lot coverage as only 1.3 % of the property will be covered by structures.
2. There appears to be adequate access for the proposed use because the property is accessed via a paved state secondary highway which will require an approach permit, and a secondary access could be utilized off West Springcreek Road which would also require an approach permit and dust palliative which will be conditioned to mitigate impacts, per comments from the Flathead County Road and Bridge Department.
3. The site appears absent of environmental constraints for the proposed use because the property is relatively flat, located in an area outside the 500 year floodplain and does not contain any wetlands, streams or creeks.
4. The parking and traffic circulation appears to be adequate for the proposed use because the approaches appear to meet standards set forth in Appendix A [FCZR], the tower would not interfere with traffic circulation, and the site plan show adequate parking for the proposed church.
5. The open space appears to be adequate for the proposed use because the 1.3% of the tract will be covered by proposed structures which meet the permitted lot coverage.
6. The proposed uses appear to be adequately designed because the applicant is not proposing any fencing/screening or landscaping beyond what is currently present, there is no lighting or signage requirements for a radio tower and any lighting on the tower shall be conditioned to adhere to all applicable Federal Aviation Administration requirements and the proposed lighting and signage appears to meet the applicable zoning regulations.
7. There appears to be adequate availability of sewer, water and storm drainage for the proposed use because sewer and water are not necessary for an un-manned tower, the church will need to be reviewed by Flathead City-County Environmental Health

Department and the Department of Environmental Quality, the applicant may be required to obtain a permit for a well and the proposed buildings would increase the impervious surface of the lot but its storm water run-off could be managed on-site.

8. The proposed use appears to have acceptable impacts on public services and facilities and would likely have low demand for police protection services because of the sporadic use of the church, and because the West Valley Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time.
9. There appears to be adequate availability of streets for the proposed use because the property is located on paved state secondary highway and local county road and the local secondary access could be utilized which would require the use of a dust palliative which will be conditioned to mitigate impacts, per comments from the Flathead County Road and Bridge Department.
10. The proposed use appears to have acceptable impacts on the immediate neighborhood because the traffic generated by the proposed uses would be off peak hours on weekends and evenings, the primary access is paved and the use of a secondary access will require dust mitigation.
11. The proposed use is not anticipated to impact the surrounding neighborhood because the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the rural setting the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood and dust control measure will be required if the secondary access is utilized.

VI. CONCLUSION

Upon review of this application, the request to allow for a 'church and other place of worship' and 'radio tower' on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-14-05 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts.

VII. CONDITIONS OF APPROVAL

1. The 'church and other place of worship' and 'radio tower' on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. All fencing installed on the property shall be in compliance with Section 3.26.040(6) and Section 5.04 of the Flathead County Zoning Regulations.
4. Current and future lighting installed on the property shall be in compliance with Section 5.12 of the Flathead County Zoning Regulations.
5. The 100 foot tower shall not be lit at night unless specifically required by a federal or state agency.
6. The applicant shall adhere to all applicable Federal Aviation Administration requirements.

7. The applicant shall obtain all necessary building permits from the State of Montana for the radio tower and church. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
8. The primary access shall be reviewed by the Montana Department of Transportation to obtain an updated approach permit. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
9. The secondary access shall be reviewed by the Flathead County Road and Bridge Department to obtain an updated approach permit. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
10. The applicant shall use a dust palliative on West Springcreek Road from their new approach to Old Reserve Drive if the secondary access is utilized.
11. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of the activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
12. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: EKM